

## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: June 15, 2005

Division: County Attorney

Bulk Item: Yes xx No   

Department: County Attorney

Staff Contact Person: Bob Shillinger x3470

**AGENDA ITEM WORDING:** Conceptual approval to remove inventory equipment from inventory listing and transfer to the State of Florida pursuant to Florida law and County policy under terms to be negotiated by the County Administrator and Court Administration.

**ITEM BACKGROUND:** As part of the Article V revision, the State will assume the responsibility for court reporting functions as of July 1, 2005. This transfer of court reporter equipment will enable the local courts to continue to afford due process to criminal defendants after July 1, 2005. According to the Finance Department, the equipment to be transferred as an estimated present value of \$26,346.71.

**PREVIOUS RELEVANT BOCC ACTION:** none.

**CONTRACT/AGREEMENT CHANGES: n/a**

**STAFF RECOMMENDATIONS:** Approval.

**TOTAL COST:** n/a

**BUDGETED:** Yes xxx No    

**COST TO COUNTY:** n/a

**SOURCE OF FUNDS:** n/aREVENUE PRODUCING: Yes xx No        AMOUNT PER MONTH n/a Year n/a

**APPROVED BY:** County Atty xx OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:**

John R. Collins, County Attorney

**DOCUMENTATION:** Included xx Not Required       

**DISPOSITION:**\_\_\_\_\_

**AGENDA ITEM #**\_\_\_\_\_



Memo

To: Tom Willi, County Administrator  
Richard Collins, County Attorney

From: Bob Shillinger, Assistant County Attorney 

Date: June 10, 2005

Re: Transfer of Court Reporter Equipment to State

You asked me to review the agenda item summary and supporting material submitted by Court Administration regarding the transfer of court reporting equipment from the County to the State as of July 1, 2005 pursuant to FS 29.008. In short, that statute does not require the transfer of any of the items listed on the first 2 pages of the 3 page Inventory Deletion Request, however, I believe it would be in the County's best interest for the State to maintain a smoothly operating criminal justice system within the County so an acceptable mechanism of transfer should be found so that those items can be used by our local Courts.

It would be my recommendation that the Board give conceptual approval to the transfer and leave the details of the transfer for staff to handle at a later date. I would therefore recommend that the agenda item wording be changed to read: **"Approval to remove inventory equipment from inventory listing and transfer to the State of Florida pursuant to Florida Law and County Policy under terms to be negotiated by the County Administrator and the Court Administrator at a later date."**

While F.S. 29.008 is difficult to parse, it essentially states that the County is to transfer all equipment and furnishing contained in the non-public areas (e.g. judges chambers, and other offices) of the County owned court houses except for "communications services" and for furnishings and equipment in those areas of the court houses under control of the Clerk of Court. The definition of "communication services" clearly included computer hardware and audio equipment. See, F.S. 29.008(1)(f).

The key provision to understanding the mandatory transfer of County property is paragraph (1)(a)2 which states:

"equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in possession of the clerks, for



areas other than courtrooms, (hearing rooms)<sup>1</sup>, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. *This provision does not apply to **any** communication services as defined in paragraph (f).*" (Emphasis added).

The term "communication services" is defined to include not only "any reasonably necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, (audio equipment)<sup>2</sup> or other electromagnetic systems" . . . including but not limited to "all computer networks, systems and equipment, including computer hardware, software, modems, printers, wiring, network connections" etc. F.S. 29.008(1)(f)2.

Based on that broad definition, it seems clear that the items listed on the first 2 pages of the inventory deletion request, i.e. conference recorder, computers, flash writers (court reporter's machine), and mixer/encoder cards all fall within the definition of "communication services." Hence ownership of the items listed on the first 2 pages should not transfer by operation of law on July 1, 2005 under F.S. 29.008.

Nevertheless, it is important to note that court reporting services are not a County obligation after July 1, 2005<sup>3</sup>, so the County would have little use for much of the equipment listed on pages 1 and 2 of the Inventory Deletion Request form. Therefore, in the interests of not hamstringing our local courts' handling of criminal cases<sup>4</sup>, the County should find a method to permit the use of, if not actual transfer in ownership of, the listed equipment. For example, FS 274.05 authorizes the County to dispose of surplus property that no longer serves a useful function through transfer to another governmental entity. By changing the agenda item wording, we may effect the same outcome intended by the original language without transferring the equipment in question under an inappropriate mechanism.

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<sup>1</sup> The term "hearing rooms" was inserted by the Legislature in HB 1935, which has passed both chambers and is awaiting the Governor's signature or veto at this writing.

<sup>2</sup> See fn 1.

<sup>3</sup> See fn 1.

<sup>4</sup> The court reporters using equipment in question do not work on civil cases.

BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

RECEIVED APR 19 2005

Meeting Date: May 18, 2005

Division: Monroe County

Bulk Item: Yes XX No     

Department: Court Administrator

Staff Contact Person: Holly Elomina

**AGENDA ITEM WORDING:** Approval to remove inventory equipment from inventory listing and transfer to the State of Florida as per attached copy Florida Statute 29.008.

**ITEM BACKGROUND:** See attached schedule

**PREVIOUS RELEVANT BOCC ACTION:** N/A

**CONTRACT/AGREEMENT CHANGES:** N/A

**STAFF RECOMMENDATIONS:**

**TOTAL COST:** N/A

**BUDGETED:** Yes      No     

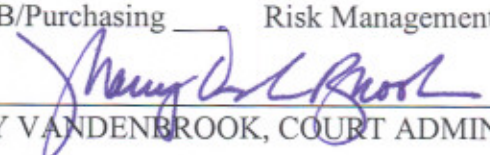
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty      OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

  
MARY VANDENBROOK, COURT ADMINISTRATOR

**COUNTY ADMINISTRATOR APPROVAL:**

THOMAS J WILLI COUNTY ADMINISTRATOR

**DOCUMENTATION:** Included Yes Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**



**MONROE COUNTY**  
**"COMPUTER RELATED EQUIPMENT"**  
**INVENTORY DELETION REQUEST**

**TO:** Divina D. Speer - Stop #8  
Property Clerk, Finance Dept.

**FROM:** HOLLY ELOMINA

**DATE:** \_\_\_\_\_

M.C. I.D. Number	Serial Number	Asset Description	Date Purchased	Original & Est. Present Value
0601-420	0502713	Conference Recorder	9/30/97	\$1794.50/\$0
0601-525	CN9V401	Computer	11/29/00	\$1637.00/\$381.97
0601-544	na	Mixer/Encoder card	11/6/00	\$2288.00/\$495.73
0601-575	6W82W11	Computer	9/10/02	\$1497.00/\$598.80
0601-577	na	Mixer/Encoder card	9/10/02	\$2036.00/\$1187.67
0601-385	096924771	Laptop Computer	1/29/97	\$1788.88/\$0
0601-399	8036481	Flashwriter	5/9/97	\$3025.00/\$0
0601-400	8036810	Flashwriter	5/9/97	\$3025.00/\$0
0601-437	8038673	Flashwriter	9/30/99	\$2849.00/\$0
0601-448	8041876	Flashwriter	7/14/98	\$2995.00/\$0
0601-450	8041457	Flashwriter	6/12/98	\$2995.00/\$0
0601-451	48689567A	Laptop Computer	6/12/98	\$2195.00/\$0

CHECK ONE (1) APPROPRIATE LINE BELOW:

\_\_\_\_\_  
 APPROVAL TO ADVERTISE FOR BIDS.  
 \_\_\_\_\_  
 APPROVAL TO REMOVE FROM INVENTORY AND DISPOSE OF IT.  
XXXXX \_\_\_\_\_  
 APPROVAL TO REMOVE FROM INVENTORY AND TRANSFER TO: THE STATE OF FLORIDA

REASON FOR REQUEST:

Transfer as per attached copy of Florida Statute 29.008

APPROVED BY: Holly ELOMINA  
 PRINT NAME: HOLLY ELOMINA

DATE: 4/18/05

DIVISION DIRECTOR APPROVAL: Mary Van Den Brook  
 PRINT NAME: MARY VANDENBROOK

TECHNICAL SERVICES APPROVAL: Jim Van Tassel  
 PRINT NAME: JIM VAN TASSEL

4/19/05



## MONROE COUNTY

**"COMPUTER RELATED EQUIPMENT"**  
**INVENTORY DELETION REQUEST**

**TO:** Divina D. Speer - Stop #8  
Property Clerk, Finance Dept.

**FROM:** HOLLY ELOMINA

**DATE:** \_\_\_\_\_

M.C. I.D. Number	Serial Number	Asset Description	Date Purchased	Original & Est. Present Value
0601-490	9950067	Electric Recorder	8/24/99	\$3121.94/\$0
0601-491	D239867/336254	Audio Mixer	8/24/99	\$1008.81/\$0
0601-504	S10388742U	Laptop Computer	5/20/00	\$2910.00/\$388.00
0601-505	S10388415U	Laptop Computer	5/30/00	\$2910.00/\$388.00
0601-506	S10386872U	Laptop Computer	5/30/00	\$2910.00/\$388.00
0601-512	S10387226U	Laptop Computer	5/30/00	\$2910.00/\$388.00
0601-545	7M26W01	Computer	9/10/01	\$1586.00/\$607.97
0601-546	8M26W01	Computer	9/10/01	\$1586.00/\$607.97
0601-547	0128029	Mixer/Recorder card	9/5/01	\$2248.00/\$861.73
0601-548	na	Mixer/Recorder card	9/5/01	\$2248.00/\$861.73
0601-568	BQK1H11	Laptop Computer	5/29/00	\$2141.04/\$1141.68
0601-569	JQK1H11	Laptop Computer	5/29/00	\$2141.04/\$1141.68
0601-572	6TZ9R11	Computer	8/28/02	\$1477.00/\$906.20
0601-574	3G81W11	Computer	9/30/02	\$1497.00/\$906.20
0601-578	na	Mixer/Encoder card	9/10/02	\$2036.00/\$1187.68
0601-579	02233095LY	Mixer/Encoder card	9/10/02	\$2036.00/\$1187.68
0601-593	377FW21	Computer	6/5/03	\$1301.40/\$1041.12
0601-593-001	na	Mixer/Encoder card	6/5/03	\$2036.00/\$1628.80
0601-594	677FW21	Computer	6/5/03	\$1301.40/\$1041.12
0601-594-001	na	Mixer/Encoder card	6/5/03	\$2036.00/\$1628.80
0601-626	G9SSG41	Laptop Computer	3/10/04	\$1891.00/\$1512.80
0601-627	1BSSG41	Laptop Computer	3/10/04	\$1891.00/\$1512.80
0601-494	39574481A	Laptop Computer	5/26/99	\$2434.37/\$0
0601-637	2JYJT51	Computer	10/19/04	\$1931.47/\$1931.47

# MONROE COUNTY INVENTORY DELETION REQUEST

TO: Divina D. Speer - Stop #8  
Property Clerk, Finance Dept.

FROM: HOLLY ELOMINA

DATE: \_\_\_\_\_

M.C. I.D. Number	Serial Number	Asset Description	Date Purchased	Original & Est. Present Value
0601-264	na	Desk	9/30/92	\$1184.25/\$0
0601-320	na	Chair	12/14/94	\$1138.00/\$0
0601-527	na	Chair	12/27/00	\$1553.00/\$721.03
0601-528	na	Desk-bookcase-credenza	3/14/01	\$1216.57/\$593.79
0601-620	na	Chair	10/28/03	\$1293.00/\$1108.29
0602-261	na	Table	9/30/92	\$1390.00/\$0
0602-262	na	Desk	9/30/92	\$1080.00/\$0
0602-297	na	Credenza	4/26/95	\$918.00/\$0
0602-331	na	Hutch	12/16/96	\$789.00/\$0
0602-300	na	Credenza	5/9/95	\$1644.00/\$0
0602-325	na	Desk	9/30/96	\$2534.95/\$0
0602-326	na	Hutch	9/30/96	\$839.00/\$0

CHECK ONE (1) APPROPRIATE LINE BELOW:

\_\_\_\_ APPROVAL TO ADVERTISE FOR BIDS.  
 \_\_\_\_ APPROVAL TO REMOVE FROM INVENTORY AND DISPOSE OF IT.  
XXXXX APPROVAL TO REMOVE FROM INVENTORY AND TRANSFER TO: THE STATE OF FLORIDA

REASON FOR REQUEST:

Transfer as per attached copy of Florida Statute 29.008

APPROVED BY:   
 PRINT NAME: HOLLY ELOMINA

DATE: 4/20/05

DIVISION DIRECTOR APPROVAL:   
 PRINT NAME: MARY VANDENBROOK